

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 2, 11, 12, and 18 have been amended, and claims 19 and 20 have been added.

No new matter is being presented, and approval and entry of the foregoing amendments and new claims is respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §103:

1. Rejection of claims 2-6, 11, and 14 in view of Kajiyama et al. and Heo

In the Office Action at pages 2-5, the Examiner rejects claims 2-6, 11, and 14 under 35 U.S.C. §103 in view of Kajiyama et al. (U.S. Patent No. 6,283,764) and Heo (U.S. Patent No. 6,222,983). The rejection is traversed and reconsideration is respectfully requested.

As an initial point of clarification, Heo appears to have an earliest U.S. filing date of August 29, 1997, and issued April 24, 2001. In addition, the instant application has an earliest U.S. filing date of March 8, 1999. Therefore, Heo appears to qualify as prior art under 35 U.S.C. §102(e)(2).

In addition, it is noted that Heo was owned by the same person or subject to an obligation of assignment to the same entity with the instant application at the time the invention of the instant application was made. Under 35 U.S.C. §103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." MPEP 2146, EXAMINATION GUIDELINES FOR 35 U.S.C. 102(E), AS AMENDED BY THE AMERICAN INVENTORS PROTECTION ACT OF 1999, AND FURTHER AMENDED BY THE INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2002, AND 35 U.S.C. 102(G), 1266 OG 77 (January 14, 2003). As such, it is respectfully submitted that Heo is not available as prior art for use in an obviousness rejection under 35 U.S.C. §103.

Since the Examiner does not assert that Kajiyama et al. discloses or suggest the invention of claims 2-6, 11, and 14 without Heo, it is respectfully requested that the Examiner reconsider and withdrawn the rejection of the claims.

2. Rejection of claims 2, 4-6, and 11 in view of Mori et al. and Moriyama et al.

In the Office Action at pages 5-7, the Examiner rejects claims 2, 4-6, and 11 under 35 U.S.C. §103 in view of the combination of Mori et al. (U.S. Patent No. 6,208,802) and

Moriyama et al. (U.S. Patent No. 5,889,746). This rejection is respectfully traversed and reconsideration is requested.

As a point of clarification, Mori et al. issued on March 27, 2001 based on an application filed in the United States on August 5, 1998. In comparison, the instant application claims the benefit of U.S. Patent Application No. 09/263,816, which was filed on March 8, 1999 (March 6 being a Saturday). Therefore, the Examiner appears to be asserting that Mori et al. qualifies as prior art under 35 U.S.C. §102(e)(2).

Additionally, the instant application claims the benefit of Korean Patent Application No. 98-7525 as acknowledged by the Examiner in box 12 on page 1 of the Office Action. Korean Patent Application No. 98-7525 was filed in the Korean Intellectual Property Office on March 6, 1998. In view of the enclosed English translation of Korean Patent Application No. 98-7525 and the statement confirming the accuracy of the translation, it is respectfully submitted that the applicants have shown a date of invention of at least March 6, 1998, which is prior to the August 5, 1998 filing of Mori et al. MPEP 201.15. As such, it is respectfully submitted that Mori et al. does not qualify as prior art against the instant application.

Since the Examiner does not rely on Moriyama et al. to disclose or suggest the invention of claims 2, 4-6, and 11 without Mori et al., and since Mori et al. is not usable against the instant application, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

3. Rejection of claim 3 in view of Mori et al., Moriyama et al., and Tashiro et al.

In the Office Action at pages 7-8, the Examiner rejects claim 3 under 35 U.S.C. §103 in view of the combination of Mori et al., Moriyama et al., and Tashiro et al. (U.S. Patent No. 5,654,516). This rejection is respectfully traversed and reconsideration is requested.

Since the Examiner does not assert that Tashiro et al. and Moriyama et al. disclose or suggest the invention of claim 3 without Mori et al., and since Mori et al. is not available for use in a rejection under 35 U.S.C. §102 or 35 U.S.C. §103 as set forth above in Section 2, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

PATENTABILITY OF NEW CLAIMS:

Claims 19 and 20 are deemed patentable due at least to their depending from corresponding claims 1 and 11.

STATUS OF REMAINING CLAIMS

SERIAL NO. 09/923,401

DOCKET NO. 1293.1059D

respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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